

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 JOSHUA THOMAS BALES,

13 Defendant.

CASE NO. CR20-0090-JCC

ORDER SETTING TRIAL DATE

14

15 The Court, having thoroughly considered the Government's motion for a trial
16 continuance (Dkt. No. 22), Defendant's objection to speedy trial findings (Dkt. No. 41), the
17 relevant record, the parties' positions as stated at the status conference on December 1, 2020, and
18 the General Orders of the United States District Court for the Western District of Washington
19 addressing measures to reduce the spread and health risks from COVID-19, which are
20 incorporated herein by reference, GRANTS the motion in part and SETS trial for March 1, 2021
21 for the reasons explained herein.

22 Over the past six months, the COVID-19 pandemic has significantly impacted the
23 Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20.)
24 Specifically, the pandemic has made it difficult for the Court to obtain an adequate spectrum of
25 jurors to represent a fair cross section of the community, and public health guidance has
26 impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom.

1 (See generally *id.*) On March 17, 2020, the Court entered General Order 02-20, closing the
2 Seattle and Tacoma Courthouses and suspending all jury trials through June 1, 2020. *See* W.D.
3 Wash., General Order No. 02-20 (Mar. 17, 2020). Thereafter, the Court entered a series of
4 general orders extending the Courthouse closures and suspension of jury trials. The Court's most
5 recent General Order continued all criminal trials until at least January 1, 2021, pending further
6 order of the Chief Judge or of the District Judge presiding over an individual case. *See* W.D.
7 Wash., General Order No. 15-20 (Oct. 2, 2020). Since the order was entered, the spread of
8 COVID-19 has increased significantly. Case counts and hospitalizations have increased locally
9 and nationwide. This development prompted King County Superior Court to suspend jury trials
10 as of November 20, 2020. *See* <https://www.kingcounty.gov/courts/superior-court.aspx>. It also
11 prompted Governor Jay Inslee to issue new statewide restrictions on business operations and
12 social gatherings through at least December 14, 2020. *See* https://www.governor.wa.gov/sites/default/files/proclamations/proc_20-25.8.pdf. In addition, the alleged victim, a Government
13 witness, is a Chinese citizen who resides in Australia, and there are presently public health
14 advisories and government restrictions on overseas travel that may impact travel to the United
15 States.
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17 Accordingly, the Court FINDS that:

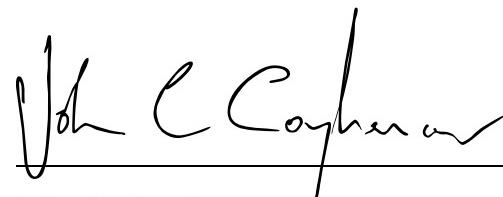
- 18 1. The COVID-19 pandemic has made it difficult and continues to make it difficult for the
19 Court to obtain an adequate spectrum of jurors to represent a fair cross section of the
20 community, which likely makes proceeding with an earlier trial impossible or, at a
21 minimum, would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 22 2. Public health guidance has impacted and continues to impact the ability of jurors,
23 witnesses, counsel, and Court staff to be present in the courtroom. Therefore, proceeding
24 with an earlier trial would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 25 3. The ends of justice served by continuing trial to March 1, 2021 outweigh Defendant's
26 and the public's interests in a speedy trial under 18 U.S.C. § 3161(h)(7)(A).

1 Accordingly, the Court ORDERS:

- 2 1. Trial in this matter is SET for March 1, 2021.
3 2. Pretrial motions must be filed by February 1, 2021.
4 3. The period between September 10, 2020, when the Court first vacated the original trial
5 date due to the impact of COVID-19, and March 1, 2021 is excludable time under the
6 Speedy Trial Act, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i).

7 DATED this 7th day of December 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE